



W.P.No.27577 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2023

CORAM:

THE HONOURABLE JUSTICE Mr.V.LAKSHMINARAYANAN

W.P.No.27577 of 2014

and

M.P.No.1 of 2014

P.Selvan

...Petitioner.

Vs.

1.Headmistress,
Corporation Girls Higher Secondary School,
Ramakrishnapuram,
Coimbatore.

2.Corporation Educational Officer,
Coimbatore Municipal Office,
Coimbatore.

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of certiorarified mandamus calling for the records of order in Na.Ka.No.7764/2013/K.6 order dated 03.07.2013 on the file of the 2nd respondent and quash the same as illegal and unconstitutional and consequently direct the respondents to appoint the petitioner on compassionate ground.

For Petitioner : Mr.Harish Chowdhary.
For Respondents :
For R1 : No Apperance
For R2 : Mr.Najeeb Usman Khan.



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ORDER

Learned counsel for the petitioner submits that the petitioner's father was working as a watchman with the 1st respondent from 01.06.1995. He passed away on 16.12.2005, leaving behind the petitioner. The writ petitioner applied for the post of watchman on 31.05.2007 within a period of 1 year from the date when petitioner's father passed away. It was rejected belatedly on 03.07.2013, stating on the date of application, the writ petitioner was aged about 35 years and 7 months, where as the age limit was only 35 years.

2.Learned counsel for the petitioner would bring to my view the notice G.O.Ms.No.33 of Labour Welfare and Skill Development (Q1) Department dated 08.03.2023. These are the rules framed under Article 309 of the Constitution of India. The age limit has been relaxed by the Government under clause 6 (b) in the aforesaid G.O. stating that in case of a child or sibling, the upper age limit is 40 years.

3.In light of the above G.O., the impugned order is quashed. The matter is remitted to the 1st respondent to consider the application, without insisting on the age, as it has been relaxed by the Government of Tamil Nadu.



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Consequently, the writ petition is allowed and remanded to the 1st respondent for reconsideration. The mere fact that the writ petition is allowed, does not mean that the writ petitioner is entitled to be appointed. The merits of the case would be gone into independently by the authorities. No costs. Connected miscellaneous petition is closed.

26.06.2023

nst

Index : Yes/No
Neutral Citation Case : Yes/No

To:

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2. Corporation Educational Officer,
Coimbatore Municipal Office,
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